



General Assembly

Substitute Bill No. 1244

January Session, 2001

AN ACT CONCERNING SERVICE AREAS OF CERTAIN MUNICIPAL UTILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-233ii of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) Notwithstanding any provision of a special act or municipal
4 charter to the contrary, any municipality that owns or operates one or
5 more plants for the manufacture or distribution of electricity pursuant
6 to section 7-213 or any special act, may provide telecommunications
7 service, as defined in section 16-247a, other than community antenna
8 television service, to inhabitants within the territorial limits of the area
9 in which the municipality is authorized to provide electric service. No
10 municipality may seek authority to provide telecommunications
11 service pursuant to this section until affirmative action for that
12 purpose has been approved by the chief executive officer and has
13 received a two-thirds vote of its legislative body or in any town in
14 which the legislative body is a town meeting, by the board of
15 selectmen.

16 (b) Any municipality seeking to exercise the authority granted by
17 this section shall be subject to all certification requirements imposed by
18 statute or order of the Department of Public Utility Control upon
19 certified telecommunications providers, as defined in section 16-1.

20 (c) Any municipality exercising the authority granted by this section
21 may finance any capital expenditures necessary to provide
22 telecommunications service other than community antenna television
23 service, including but not limited to, the costs to acquire or construct
24 necessary systems or facilities, in accordance with the provisions of
25 chapter 109.

26 (d) Nothing in this section shall be construed to prohibit any
27 municipality that owns or operates one or more plants for the
28 manufacture or distribution of electricity pursuant to section 7-213
29 from providing community antenna television service, as defined in
30 section 16-1, pursuant to sections 7-213 and 16-331, provided any
31 municipality seeking to exercise the authority granted by this
32 subsection shall be subject to all certification requirements imposed by
33 the general statutes or order of the Department of Public Utility
34 Control on a certified community antenna television company, as
35 defined in section 16-1.

36 (e) If a municipality exercises its authority to provide community
37 antenna television service pursuant to subsection (d) of this section, the
38 Department of Public Utility Control, in considering an application by
39 the municipality for a certificate of public convenience and necessity
40 pursuant to section 16-331, shall ensure that any losses incurred by a
41 municipality that are related to such service and any and all costs
42 associated with the investment in such service are borne by the
43 investors in such service, and in no event are borne by the residents of
44 the municipality offering such service, the state of Connecticut or the
45 ratepayers of the electric service offered by such municipality.

46 Sec. 2. (NEW) (a) Any municipality that maintains an electric or gas
47 utility may establish a corporation under chapter 601 of the general
48 statutes for the purposes of engaging in the manufacture, distribution,
49 purchase or sale, or any combination thereof, of electricity, gas or
50 water for the sole purpose of providing electricity, gas or water within
51 its franchise area.

(b) Any such municipality may exercise the authority provided for in subsection (a) of this section notwithstanding the provisions of any special act, municipal charter or home rule ordinance, upon approval of its chief executive officer and by adoption of an ordinance approved by a two-thirds vote of its legislative body of the municipality or the board of selectmen or city or town council, in the case of a municipality in which the legislative body is a town meeting.

(c) No corporation established pursuant to subsection (a) of this section shall engage in the manufacture, distribution, purchase or sale, or any combination thereof, of electricity, gas or water outside the service area of such municipal electric or gas utility. Nothing in this section shall be construed to permit any municipal electric utility to engage in the sale or aggregation of electric generation services other than pursuant to section 16-245 of the general statutes.

ET *JOINT FAVORABLE SUBST. C/R* PD

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